

II. Remarks

Reconsideration of the application as amended is respectfully requested.

The application contains independent claims 1, 15, 24 and 25.

Claim 1 stands rejected as being unpatentable over the reference to Fima in view of the patents to Treon and Garr. Applicant traverses the rejection of claim 1 on these references. It is the position of the examiner that the reference to Fima discloses a lure body identified with the numeral 20, and a jacket which is identified with a numeral 12, along with the outer edge of the item identified with the numeral 46 which in the specification of Fima is identified as a simulated eye (Fima column 2, line 54). The Fima specification identifies a lure body 12 (column 2, line 10) that has a main section 20 (column 2, line 22). In other words, Fima identifies a main section 20 as being a part of the lure body 12. Since the main section 20 is actually a part of the body 12 it cannot meet the limitation as being a jacket that is over the body 12. The examiner has stated that Fima discloses a lure body at 20, a jacket at 12 and the outer edge at 46 in Figures 1-2. The examiner has also stated that in Figure 2 a jacket containing the top dorsal fins is formed on top of the body at 20 installed over the body made of a light transmissive material. Such a structure is erroneously considered as a jacket. If there is such a structure it is merely to hold the dorsal fin in place. Figure 4 does not show such a structure. It appears that the dorsal fin is simply attached to the main section 20. Figure 2 does not show a jacket attached to the dorsal fin. It shows the contour of a curvature of the main section 20.

The examiner has taken the position that the body of the device of Fima includes a housing with sidewalls made of a generally light transmissive material. The examiner has referred to the items 44 and 46 for support that the body is made of a light transmissive material. However, the item 46 is a simulated eye. The item 44 is a bundle of light conducting optical fibers. These are not part of the body sidewall. The body of the lure to Fima is clearly identified by the number 12 or alternatively, the main section with the number 20. The body of appears to be opaque. Eye openings in the body do not render the body of a light transmissive material. Claim 1 recites a jacket installed over the body and made of a light transmissive material as well as the body having sidewalls made of a light transmissive material. The eye openings 46 coupled with the optic fiber bundles 44 do not constitute light transmissive materials for the jacket as well as light transmissive material for the body.

Further, with respect to the rejection of claim 1 based on the patent to Fima in view of the patent to Treon the examiner has taken the position that the light source 38 in Figure 3 and 4 of Fima taken in conjunction with the fiber optic bundles aligned along the exterior of the fish lure of the patent to Treon render obvious the limitation in claim 1 to a first linear bank of display lights installed in the housing parallel to an intended direction of travel of the lure body. However, the fiber optic bundles of the patent to Treon are not light sources but simply transmit light from a single light source. There is not a bank of light sources. Further, the light emitted at the ends of the optic fibers in the patent to Treon are not viewable through the light transmissive jacket and a light transmissive body. The optic fibers terminate at the surface of the lure.

In addition, to further emphasize the difference of the structure of claim 1 of this application, claim 1 has been amended whereby the first bank of display lights includes a plurality of spaced apart individual electric light sources. The individual electric light sources are viewable through the light transmissive material sidewalls of the housing. Neither Treon nor Fima discloses a plurality individual electric light sources.

Further to the rejection of claim 1 based upon the patents to Fima, Treon and Garr, it is the examiner's position that Fima discloses an aft facing light 40 with a fiber optic bundle 48 which taken in conjunction with a circular array of lights 3 installed around the periphery of the body of the lure shown in the patent to Garr renders obvious the limitation in claim 1 of this application reciting a circular bank of display lights installed in the housing aft of the first linear bank of lights. However, applicant submits that such a combination is improper as there is no particular reason or motivation for combining the references. A combination of the references would yield a circular array of lights around the periphery of the body 12 of the lure of the patent of Fima. The lure of the patent to Garr shows a light 3 at the aft of the body. The light 3 is not internal to the lure. It is external. Any suggestion of combining the references would yield external lights, not internal lights. Accordingly, applicant submits that claim 1 of the application as amended is not obvious in view of the references cited by the examiner.

The examiner has rejected claim 2 on Fima as modified by Treon and Garr. The examiner submits that Garr further discloses a second linear bank of lights parallel to the first bank. However, Garr discloses fiber optic strands that merely transmit light. This is not a linear bank of lights. Further, claim 2 has been amended whereby the lights of the second bank of lights are more particularly specified as being spaced apart individual

electric light sources viewable through the light transmissive material sidewalls of the housing. With reasons advanced above claim 2 is not obvious in view of the references. Allowance of claim 2 as amended is respectfully requested.

Dependent claims 3 through 14 depend from claim 1 and claims dependent thereof. Allowance of these dependent claims is respectfully requested.

Claim 15 has been rejected as being unpatentable over Fima in view of Garr. This rejection is traversed. Once again, it is the position of the examiner that Fima discloses a lure body at 20 and a jacket at 12 and 46. Fima describes the item 12 as a body and the item 20 as a main section of the body 12. The item 20 is not described or shown as an element apart from the body 12 but is a particular segment of the body 12. The item 46 is a simulated eye. The item 46 is not a part of the sidewall. The item 46 is an opening through the body 20. It is an opening through only one element. It is not an opening through a body and a jacket that covers the body. This is because numbers 12 and 20 shown in the patent to Fima refer to the same element. Accordingly, the sidewalls are not light transmissive nor is there a jacket made of a light transmissive material as specified in claim 15.

Claim 15 recites a circular bank of display lights installed in the housing circularly disposed about an axis parallel to the intended direction of travel of the lure. Claim 15 has been amended to more particularly state that this circular bank of lights includes a plurality of spaced apart, aft facing individual electric light sources. For the reasons stated above, this element of claim 15 is not rendered obvious by the references cited by the examiner. Fima discloses a single light that is interior to the lure. Garr discloses lights that are disposed about the body of the lure approximately at the mid-

section thereof. In addition a single light is located on the lure body at the tail end of the lure. It would not be obvious to use such lights to create a circular light bank within the body of the lure.

Claim 15 further recites an electronic flasher module connected to the light bank operative to sequentially flash the light sources of the light bank. The examiner has taken the position that Fima discloses such a flasher module. However, the reference to Fima discloses a rolling switch that turns all of the lights on and off at the same time. There is no teaching of how the rolling switch of Fima would sequentially flash the light sources of the circular light bank. Accordingly, allowance of claim 15 as amended and claims dependent thereon is respectfully requested.

The examiner has rejected claims 24 and 25 upon the same grounds as the rejection of claim 1. In particular, the examiner has rejected independent claims 24 and 25 as being unpatentable over Fima in view of Treon and Garr. In both claims 24 and 25 there is recited a lure body that has sidewalls made of a generally light transmissive material. Claim 24 recites a jacket which goes over the body and is made of a translucent material configured to visually resemble a bait attractive to fish. For reasons advanced above, the references do not show a body made of a light transmissive material. Claim 25 recites a first linear bank of display lights installed in the housing and including spaced apart individual electric light sources viewable through the light transmissive sidewalls of the housing. Claim 24 recites in addition a second parallel linear bank of display lights installed in the housing. With reasons advanced above, the references cited by the examiner in combination do not show such structure. The reference to Fima shows a single light. The light is not viewable through a light transmissive sidewall of


the body. The light is viewable via fiber optic strands that extend to an opening in the sidewall for purposes of displaying an artificial eye. The patent to Treon does not show a bank of light sources. The patent to Treon shows the ends of fiber optic strands that terminate at the surface of the body of the lure. The fiber optic strands are illuminated by a single light source. The strands themselves are not a light source. Accordingly, allowance of claims 24 and 25 as amended is respectfully requested.

Claims 26 through 28 depend from claim 25 are claims dependent thereon. Allowance of these dependent claims is respectfully requested.

Respectfully Submitted,

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